

REMARKS

Amendment To The Claims

In the Action dated December 31, 2007, the Examiner has allowed claims 1 – 14 as stated on page 6, paragraph 8 for the reasons disclosed therein. Claim 40 has also been deemed as allowable as noted in paragraph 9 on page 7 if rewritten in an independent form. The remaining pending claims have been rejected as being unpatentable over the cited references.

In order to comply with the Examiner's requirements and to expedite prosecution of this application, claim 15 has been amended to incorporate all the limitations recited in the allowable claim 40 and its intervening claim 39. Due to these amendments, claims 39 and 40 have been cancelled from the application. These amendments are being made without prejudice to Applicants right to file a divisional patent application with the broader claims than claim 15 incorporating claims 39 and 40.

Furthermore, 37 has also been cancelled and so the rejection of this claim under 35 USC §112, second paragraph is now moot. Claim 38 has also been cancelled.

With reference to the other rejections under 35 USC §112, second paragraph, claims 1, 9, 10 and 14 have been rejected on the basis that the phrase "layered structure exhibits substantially Ohmic behavior" is indefinite in that it fails to point out whether the Ohmic behavior of the layered structure is included or excluded". Responsively, these claims have been amended to delete the term "substantially" and Applicants respectfully request withdrawal of this 112, second paragraph rejection.

Claims 6 and 12 have been amended to delete the second occurrence of "Ni".

Claim 47 has been amended to be dependent on claim 13 which recites a "substrate" in order to avoid antecedent problems with the claim. It is clear this claim was referring to the layered structure as set out in the first sentence.

It is respectfully submitted these amendments are to more succinctly and particularly recite the invention and to correct typographical errors. Support for the amendments can be found throughout the application as filed, and therefore no new matter has been added by the amendments.

An earnest effort has been made to place this application in condition for allowance which action is respectfully solicited.

Should the Examiner have any questions regarding the allowability of the claims with respect to the art, it would be appreciated if the Examiner would contact the undersigned attorney-of-record at the telephone number shown below for further expediting the prosecution of the application.

Respectfully Submitted;

A handwritten signature in black ink, appearing to read 'R. A. Dowell', written over a horizontal line.

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